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August 16, 2005

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MESSAGE:

Appl. No. : 10/801,795
Applicant : Dickson
Filed : 3/16/2004
Title : FORMED METAL ARMOR ASSEMBLY
TC/A.U. : 3641
Examiner : Stephen Johnson
Docket No. : 29381-04000
Customer No. : 24024

Confirmation No. 1927

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PTO/BB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/801,795	
	Filing Date	3/16/2004	
	First Named Inventor	Dickson	
	Art Unit	3641	
	Examiner Name	Stephen Johnson	
Total Number of Pages in This Submission	4	Attorney Docket Number	29381/04000

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Restriction Requirement		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Warren M. Halnes II (40,632)	Customer Number 24024
Signature	<i>Warren M. Halnes II</i>	
Date	8/16/05	

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Signature	<i>Joyce Ford</i>		

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Customer Number

24024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**PATENT**

Appl. No. : 10/801,795 Confirmation No. 1927
Applicant : Dickson
Filed : 3/16/2004
Title : **FORMED METAL ARMOR ASSEMBLY**
TC/A.U. : 3641
Examiner : Stephen Johnson
Docket No. : 29381-04000
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action of July 25, 2005, Applicant elects the claims of Species A, directed to the metallic facing element (illustrated in Figs. 1-3) in combination with a backing structure. The claims that read on the elected species include claims 1-8, 11-23, and 25-27. Applicant notes that at least claims 1, 18, and 22 are generic. This election is with traverse.

The Office Action asserts that:

Species A is directed to the metallic facing element (illustrated in Figs. 1-3) in combination with a backing structure;

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Response Dated August 16, 2005

Reply to Office action of July 25, 2005

Species B is directed to the metallic facing element (illustrated in Fig. 4) in combination with a backing structure;

Species C is directed to the metallic facing element (illustrated in Fig. 5) in combination with a backing structure;

Species A' is directed to the metallic facing element (illustrated in Figs. 1-3) in combination with a backing structure, an adhesive layer, and a protective outer cover;

Species B' is directed to the metallic facing element (illustrated in Fig. 4) in combination with a backing structure, an adhesive layer, and a protective outer cover; and

Species C' is directed to the metallic facing element (illustrated in Fig. 5) in combination with a backing structure, an adhesive layer, and a protective outer cover.

Applicant submits that restriction is not proper in this instance. M.P.E.P. § 803 states the requirement for a proper restriction.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) The inventions must be independent or distinct as claimed; and (B) There must be a serious burden on the examiner if restriction is required.

(M.P.E.P. § 803, citations omitted, emphasis added.) Thus, there are two requirements for restriction: distinctness and a serious burden. Both are required; distinctness without a serious burden is not sufficient to justify restriction. Indeed, section 803 explicitly states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Applicant respectfully submits that restriction is not proper in this case. Consideration of the claims of the identified species would not result in a serious burden on the Office. Thus, Applicant respectfully requests that the Office consider all of the identified Species (i.e., claims 1-27) together.

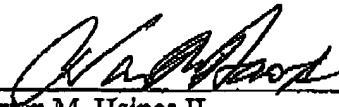
Appl. No. 10/801,795
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At this time, Applicant believes that no additional fees are due. However, the United States Patent and Trademark Office is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 03-0172.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP

Date: 8/16/05


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